

SENATE JOURNAL

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FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 26, 2003

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes, absent and formally excused by the Chair; and Senators Calabretta, Cameron, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Brittany Jensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Cameron and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2003, was read and approved as corrected.

DARRINGTON, Chairman

On request by Senator Darrington, granted by unanimous consent, the Senate Journal of the proceedings of February 25, 2003, page 145, was corrected to read that the Finance Committee reported out **H 293** without recommendation.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 25, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the reports were adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 25, 2003

The JUDICIARY AND RULES Committee reports that **S 1035** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1035** and ordered it transmitted to the House for the signature of the Speaker.

February 25, 2003

The HEALTH AND WELFARE Committee reports out **S 1120** and **HCR 16** with the recommendation that they do pass.

BRANDT, Chairman

S 1120 was filed for second reading.

HCR 16 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2003

The HEALTH AND WELFARE Committee reports out **S 1102** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **S 1102** was referred to the Fourteenth Order of Business, General Calendar.

February 25, 2003

The TRANSPORTATION Committee reports out **S 1010** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

INGRAM, Chairman

There being no objection, **S 1010** was referred to the Fourteenth Order of Business, General Calendar.

February 25, 2003

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Monte McClure to the Idaho Transportation Board, term to expire January 31, 2009.

INGRAM, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2003

The TRANSPORTATION Committee reports out **H 103** and **H 138** with the recommendation that they do pass.

INGRAM, Chairman

H 103 and **H 138** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 25, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Milford E. Terrell of Boise, Idaho, was appointed as a member of the Idaho State Board of Education to serve a term commencing January 22, 2003, and expiring March 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 25, 2003

Mr. President:

I transmit herewith Enrolled **H 89**, as amended, and **H 142** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 89**, as amended, and **H 142** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Calabretta was recorded present at this order of business.

S 1101 and **S 1099**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

S 1123, by State Affairs Committee, was read the second time at length and filed for third reading.

H 181 and **H 182**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 145 and **H 146**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 293, by Appropriations Committee, was read the second time at length.

Suspension of Rules

Moved by Senator Davis, seconded by Senator Stegner, that all rules of the Senate interfering with the immediate passage of **H 293** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 293** be read the third time at length, section by section, and put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Geddes. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 293 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Geddes, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sweet, Williams. Total - 14.

NAYS--Andreason, Bailey, Burkett, Calabretta, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 21.

Paired and voting included in roll call:

AYE - Geddes NAY - Ingram

Total - 35.

Whereupon the President declared that **H 293** had failed to pass the Senate and ordered the bill returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:40 p.m. until the hour of 10:45 a.m., Thursday, February 27, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary